

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**CASE NO. 1:12-cv-2296-TCB**

Securities and Exchange Commission,

Plaintiff,

vs.

Aubrey Lee Price, PFG, LLC, PFGBI,  
LLC, Montgomery Asset Management,  
LLC f/k/a PFG Asset Management,  
Montgomery Asset Management, LLC  
f/k/a PFG Asset Management,

Defendants.

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Genworth Life Insurance Company,  
Protective Life Insurance Company,  
Household Life Insurance Company,

Plaintiffs in Intervention,

vs.

Melanie E. Damian, as Receiver for the  
Estate of Aubrey Lee Price, PFG, LLC,  
PFGBI, LLC, Montgomery Asset  
Management, LLC f/k/a PFG Asset  
Management, Montgomery Asset  
Management, LLC f/k/a PFG Asset  
Management,

Defendant in Intervention.

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**JOINT SUPPLEMENTAL STATEMENT OF STIPULATED FACTS**

**CASE NO. 1:12-cv-2296-TCB**

Pursuant to this Court's October 21, 2014, ruling, Intervention Plaintiffs Protective Life Insurance Company ("Protective"), Household Life Insurance Company ("Household") (collectively, the "Insurers") and Intervention Defendant Melanie E. Damian, in her capacity as Receiver ("Receiver") (collectively, the "Parties"), hereby submit their joint supplemental statement of stipulated facts, as follows:

1. This stipulation supplements the Parties' previous Statement of Stipulated Facts [D.E. 210].

2. All records produced in discovery in this matter are accurate and authentic copies of the Parties' respective business records.

**PROTECTIVE LIFE INSURANCE COMPANY**

3. Protective did not undertake an independent investigation into the disappearance of Aubrey Lee Price, but relied on claim documents submitted by the Receiver, including the Hamilton County, Florida Circuit Court's Order and Presumptive Death Certificate for Mr. Price.

4. Protective did not deny the Receiver's Claim for lack of due proof or satisfactory proof of Price's death.

5. Protective does not condition payment of claims upon repayment if an insured is later discovered to be alive.

**CASE NO. 1:12-cv-2296-TCB**

6. Protective did not condition its payment of the Claim in this matter on repayment if and/or when Mr. Price was later discovered alive.

7. Protective did not file a declaratory judgment action or otherwise challenge the sufficiency of the Receiver's proof of Price's death.

8. Protective has not sued Aubrey Lee Price for fraud.

9. Protective did not pay the Claim as a result of an accounting or clerical error or negligence.

10. Protective did not pay the Claim under an urgent and immediate necessity, or to release person or property from detention or prevent immediate seizure of property.

11. Prior to and at the time it paid the Claim, Protective was aware that Price was wanted by federal law enforcement officials, including the FBI, and that his body had not been recovered.

12. Protective did not contact state or federal authorities about their investigation of Price's disappearance after receiving the Receiver's Claim for the life insurance proceeds.

13. Protective has no evidence to suggest that the Receiver engaged in fraud in connection with her Claim.

14. Protective received reinsurance payments in the amount of \$100,000 after paying the Claim.

**CASE NO. 1:12-cv-2296-TCB**

**HOUSEHOLD LIFE INSURANCE COMPANY**

15. Household relied on the claim submission by the Receiver, the Hamilton County, Florida Circuit Court's Order and Presumptive Death Certificate for Mr. Price in paying the Receiver's claim.

16. Household did not deny the Receiver's Claim for lack of due proof or satisfactory proof of Price's death.

17. Household does not condition payment of claims upon repayment if an insured is later discovered to be alive.

18. Household did not condition its payment of the claim in this matter on repayment if and/or when Price was discovered alive.

19. Household did not file a declaratory judgment action or otherwise challenge the sufficiency of the Receiver's proof of Price's death.

20. Household has not sued Aubrey Lee Price for fraud.

21. Household did not pay the Claim as a result of an accounting or clerical error or negligence.

22. Household did not pay the Claim under an urgent and immediate necessity, or to release person or property from detention or prevent immediate seizure of property.

**CASE NO. 1:12-cv-2296-TCB**

23. Prior to and at the time it paid the Claim, Household was aware that Price was wanted by federal law enforcement officials, including the FBI, and that his body had not been recovered.

24. Household did not contact state or federal authorities about their investigation of Price's disappearance after receiving the Receiver's Claim for the life insurance proceeds.

25. Household has no evidence to suggest that the Receiver engaged in fraud in connection with her Claim.

Respectfully submitted,

**VER PLOEG & LUMPKIN, P.A.**

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and

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/s/ C. Andrew Kitchen, with permission

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**CASE NO. 1:12-cv-2296-TCB**

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**LOCAL RULE 5.1 CERTIFICATION**

By signature below, counsel certifies that the foregoing document was prepared in Times New Roman, 14-point font in compliance with Local Rule 5.1.

**CASE NO. 1:12-cv-2296-TCB**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 17, 2014 I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the attached Service List in this manner specified, *via* transmission of Notice of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notice of Electronic Filing.

/s/ Jason S. Mazer  
**Jason S. Mazer**

**CASE NO. 1:12-cv-2296-TCB**

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**CASE NO. 1:12-cv-2296-TCB**

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